TL 4988

Indonesian-Orchestrated Savagery in East Timor

Recommendations for Action to save the August 1999 East Timor Consultation

ETISC Occasional Paper No 1

East Timor International Support Center
Darwin NT Australia
15 May 1999

Introduction to ETISC Occasional Papers

The East Timor International Support Center (ETISC) is an important contributor to the international campaign efforts of the East Timorese and their international supporters. This Australian-incorporated non-profit company is a fully autonomous organisation, providing a base for enhancing the work of East Timor supporters on behalf of the right of self-determination of the people of East Timor. Its main base is in Darwin, which is the closest location to East Timor in a free country. ETISC was set up following the 1996 Nobel Peace Prize award to the East Timorese leaders Bishop Belo and Dr José Ramos-Horta. The latter acts as ETISC's Honorary Chairman.

ETISC's mandate as stated in its Articles of Association is:

- *To support the people of ET in their struggle for self-determination*, within the principles of international law ... in accordance with the resolutions and policies of the United Nations, ... through broadly based international and professional advocacy, publicity, education, and information exchange... ;
- *to provide material and other aid to the people of East Timor and to refugees from that country*;
- *to raise funds and seek material contributions and assistance to further these objects.*

In line with its mandate, ETISC is launching a series of occasional papers.

The first two papers of this series, published in May 1999, aim to draw international attention to the need for urgent action to ensure that the United Nations conducted consultation agreed by Indonesia and Portugal on 5 May 1999 is carried out under adequate conditions that allow for the true wishes of the population of East Timor to be freely expressed, and for the savage acts of violence currently occurring in the territory to be stopped.

ETISC Occasional Paper Nº 1 ISBN 0 9577329 0 2
Indonesian Orchestrated Savagery in East Timor
Recommendations for Actions to Save the August 1999 East Timor Consultation.

This paper critically examines the various components of the 5 May 1999 agreements, pointing out the most striking dangers to the satisfactory conduct of the Consultation, and provides recommendations for essential action to prevent the event from being rendered meaningless by the manipulations of the Indonesian military.

ETISC Occasional Paper Nº 2 ISBN 0 9577329 1 0
Indonesia's Death Squads: Getting Away with Murder
A Chronology of Indonesian Military sponsored Paramilitary and Militia atrocities in East Timor from November 1998 to May 1999.

This paper provides a detailed listing of the main known acts of violence perpetrated by the militias set up by the Indonesian military in East Timor since late 1998. The atrocities committed in this time span are extensive and striking for their brutality.

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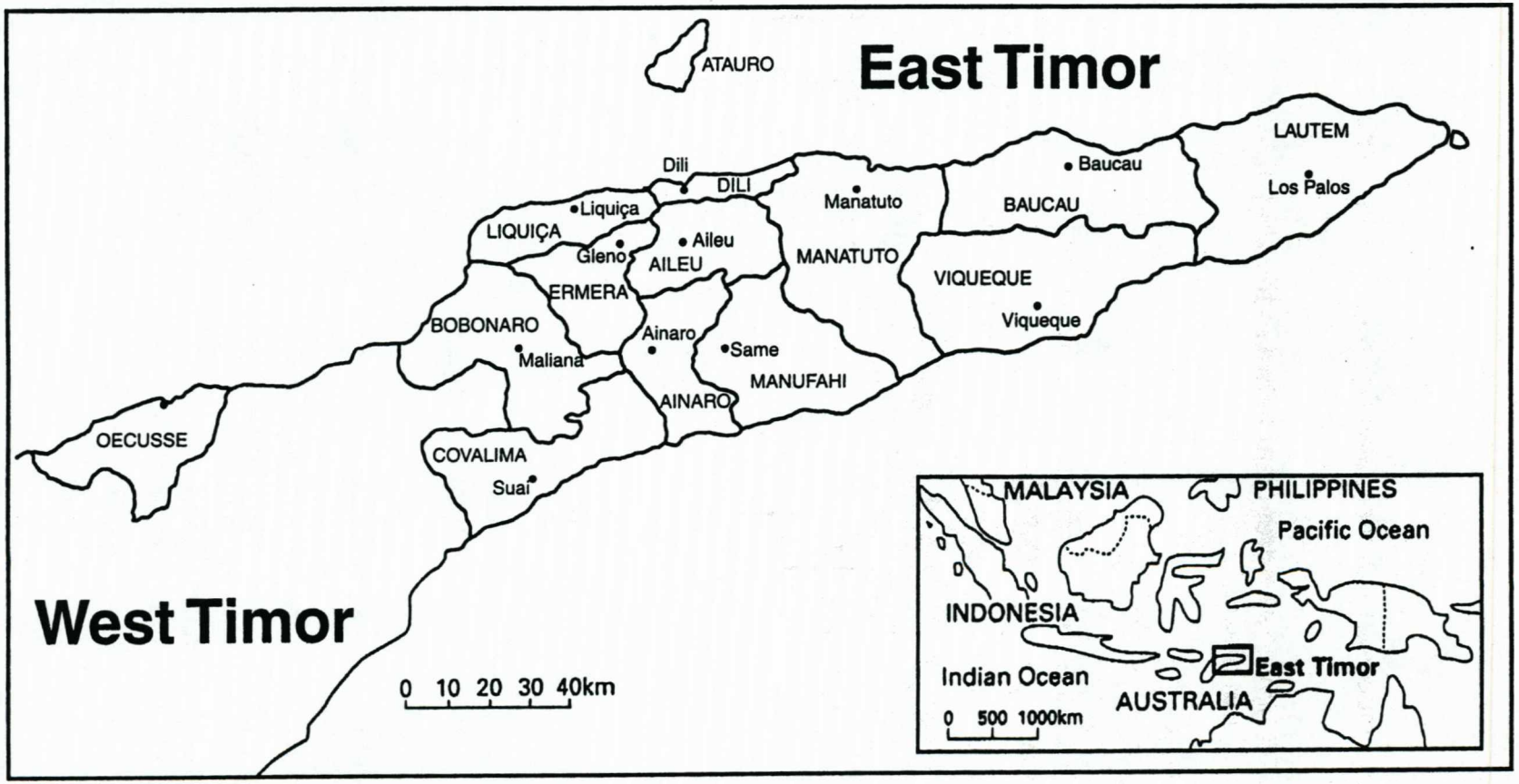
East Timor
ATAURO
Dili
DILI
Liquiça
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Gleno
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AILEU
ERMERA
BOBONARO
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MANUFAHI
AINARO
Manatuto
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COVALIMA
Suai
West Timor
0 10 20 30 40km
MALAYSIA
PHILIPPINES
Pacific Ocean
INDONESIA
East Timor
Indian Ocean
AUSTRALIA
0 500 1000km

Indonesian-Orchestrated Savagery in East Timor

Introduction

According to a United Nations-brokered agreement signed between Indonesia and Portugal on 5 May 1999, the United Nations is to conduct a consultation of the East Timor population in August 1999. The East Timorese are to decide if they want to accept or reject an offer of autonomy within Indonesia made by President B.J. Habibie. If they reject it, Indonesia will withdraw from the territory.

The Indonesian Armed Forces (TNI – formerly ABRI) are covertly trying to undermine the process, arming militia squads of Timorese (from East and West Timor). Under the supervision of TNI personnel, Timorese are being trained, paid, equipped and encouraged to kill, torture and intimidate the East Timorese population into voting for autonomy.

Supporters of independence are being subjected to extreme brutality and death. The numbers of victims of the violence so irresponsibly fostered by TNI has reached alarming levels, deeply disrupting normal life in East Timor, and adding to the already considerable suffering of the people of this troubled territory (see ETISC's Occasional Paper Nº 2 '**Indonesia's Death Squads: Getting Away With Murder**: *A Chronology of Indonesian Military sponsored Paramilitary and Militia atrocities in East Timor from November 1998 to May 1999*). Holding a Consultation of the will of the people under such conditions is impossible. The result would totally fail to reflect the true preference of the people, and could therefore not be considered legitimate.

According to the 5 May 1999 agreements, the United Nations Secretary-General has until 13 June 1999 to decide if the conditions in the territory make a consultation possible. It is the view of the East Timor International Support Center (ETISC) that unless drastic measures are taken at once, and security in East Timor is assured by a force other than the Indonesian Armed Forces, the Consultation will not be possible. The first step which is immediately required is the effective disarming of the TNI created militias.

The present document has been compiled by ETISC. It is published with the aim of impressing upon international public opinion, and in particular, on those responsible for influencing or determining policy regarding East Timor in various government and non-government organisations, the most striking dangers to the satisfactory conduct of the Consultation, and provides recommendations for essential action to prevent the event from being rendered meaningless by the manipulations of the Indonesian military.

Main Agreement

The 5 May 1999
tripartite agreement between the United Nations, Portugal & Indonesia

The **preamble** refers to:

1. Various Security Council and General Assembly resolutions
2. The efforts of United Nations, Portugal and Indonesia to find a solution since July 1983
3. The 5/8/98 agreement to negotiate about autonomy, in spite of Portugal's and the Republic of Indonesia's differing positions
4. Previous discussion about a constitutional framework for autonomy
5. Indonesia's position about sovereignty over East Timor
6. Portugal's position about non-recognition of the Republic of Indonesia's sovereignty
7. The Republic of Indonesia and Portugal's decision to ask the Secretary-General to consult the East Timorese people about Republic of Indonesia's autonomy proposals
8. Their joint request that the Secretary-General devise procedures for the Consultation

Article 1
This is an uncontroversial article.
It asks the Secretary-General to put the autonomy proposal to the East Timorese people.

Article 2
This asks the Secretary-General to "establish an appropriate United Nations mission in East Timor".

Article 3
"The Government of Indonesia will be responsible for maintaining peace and security in East Timor in order to ensure that the popular consultation is carried out in a fair and peaceful way in an atmosphere free of intimidation, violence or interference from any side". This is the weakest part of the Main Agreement. The Security Agreement, which accompanies this Main Agreement, spells out this Indonesian responsibility. Read the attached detailed critique of the Security Agreement.

Article 4
The Secretary-General will report the result of the consultation to the Security Council, General Assembly, the Portuguese government, the Republic of Indonesia government, and the East Timorese people.

a) Who of the East Timorese people will the Secretary-General advise? Governor Soares, Xanana Gusmão, Armindo Mariano (Chairman of the provincial assembly) or all of these people?
b) When will the announcement be made? No doubt it will be some time in August 1999, which is the time when Indonesia will have voted in their general election (7 June 1999), but not yet voted in a new President (November). The presidency may be weak, and the military consequently strong.
c) What precautions will have been taken to prevent immediate post-announcement violence?

Article 5
If the East Timorese people vote for autonomy:

a) Indonesia will take constitutional steps to implement the autonomy proposals (i.e. East Timor will formally become part of Indonesia).

b) Portugal will remove East Timor from the Non-Self-Governing Territories list of the General Assembly, and delete it from the Security Council and General Assembly agendas.

Article 6
If the East Timorese people reject autonomy:

a) Indonesia will take constitutional steps to "terminate its links with East Timor thus restoring under Indonesian law the status East Timor held prior to 17 July 1976"

b) "The governments of the Republic of Indonesia and Portugal and the Secretary-General shall agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations". The Secretary-General shall then enable "East Timor to begin a process of transition towards independence".

This is the most hopeful part of the Agreement.

1) Indonesia acknowledges that it will relinquish sovereignty over East Timor

2) There is no mention of the need for Indonesia to submit the decision for ratification by the Indonesian People's Consultative Council (MPR).

3) Transfer of authority will be made, not to Portugal, but to the United Nations, which implies that they will have a continuing presence in East Timor.

However, in the event of the East Timorese people rejecting autonomy, the Indonesian government, the Indonesia Armed Forces, or the East Timor Provincial Assembly may take either constitutional steps, or military steps, to prevent the handover of East Timor. For instance, the new Indonesian Parliament voted in on 7 June 1999, may declare, once they meet as part of the MPR session from 28 October 1999 to 9 November 1999, that the East Timor decision for independence is not valid, because it was taken under the authority of a previous Indonesian government which is no longer in power.

Militarily, it is possible that the Indonesian Armed Forces will take any one of a number of actions: refuse to leave, establish many secret armed groups in the hills, hand over weapons to the militias so that civil war rages or mass killings occur, amass troops on the East/West Timor border for the sake of destabilization, carry out assassinations of key independence leaders before leaving, trash Dili and all Indonesian-built government buildings and facilities.

Article 7
"During the interim period between the conclusion of the popular consultation and the start of the implementation of either option, the parties (i.e. Republic of Indonesia and Portugal) request the Secretary-General to maintain an adequate United Nations presence in East Timor".

This is positive because both the Republic of Indonesia and Portugal have "requested" the presence of "an adequate United Nations presence in East Timor". "Adequate" implies that the United Nations will put in place some thousands of officials, soldiers or police. It certainly suggests something more substantial than the few hundred United Nations officials/police who will constitute the United Nations Mission for the consultation.

However it is also a dangerous time, as suggested in the comment on Article 6 above. A considerable period of time will elapse before the United Nations can establish their "adequate presence", and during that time many obstacles can be put in the way of the United Nations.

a) "The Governments of Indonesia and Portugal and the Secretary-General shall agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations" (Article 6). It is possible that Indonesia may never agree with Portugal and the United Nations about this United Nations presence. In other words, the United Nations will be banned from entering East Timor. Who is likely to force Indonesia to accept the United Nations presence?

b) The Secretary-General will begin the transition process subject to his receiving "the appropriate legislative mandate" (Article 6). This is not clear. Mandate from the General Assembly and Security Council, or mandate from Indonesia and Portugal? Whatever it means, there lies the possibility for obstruction from Indonesia. Moreover, this mandate may take time to obtain, which could mean that the interim period between the announcement of the result and the arrival of the adequate United Nations presence could be lengthy. This will be a time of considerable danger, particularly if the East Timorese people reject autonomy.

Security Agreement

The 5 May 1999
tripartite agreement between the United Nations, Portugal & Indonesia

Point 1
"A secure environment devoid of violence or other forms of intimidation" logically requires that that secure environment must be in place for a considerable period before the Consultation, during the Consultation, and also after the Consultation (in order to prevent acts of revenge for supposed "wrong" voting). Independence supporters need to be firm in their demand that the "secure environment devoid of violence or other forms of intimidation" should start now, 12 weeks before the Consultation.

"The absolute neutrality of the Indonesian Armed Forces and the Indonesian Police", though "essential" (according to the Agreement), is unlikely to occur. The Armed Forces have not been neutral for 23 years, and are not neutral now. They are currently exercising violence and other forms of intimidation. It is absolutely impossible for them to change their pro-integration stance in the 12 weeks before the Consultation. Nor is there any force, military or moral, which will force them to become "absolutely neutral". The best that can be expected is for them to be less conspicuous and less violent in their pro-integration allegiance. "The absolute neutrality of the Indonesian Armed Forces and the Indonesian Police" is impossible. This lack of neutrality therefore casts doubt on the capacity of this Consultation to act as a "free and fair" (Secretary-General's words) expression of the will of the East Timorese.

Point 2
1. "The Commission of Peace and Stability established in Dili on 21 April 1999" deserves many points of comment:

   a) What was in fact signed on 21 April 1999 was an "Agreement about ending hostility and attempting to create peace". The Commission of Peace and Stability was point 5 in the 6 point agreement.

   b) It was signed by:
      1) Conflicting parties
         a) CNRT: 2 signatories, one of whom (Xanana) was not present
         b) Pro Integration: 2 signatories
      2) East Timor Provincial Government: 2 signatories
      3) Indonesian Army in East Timor: 1 signatory
      4) Indonesian Police in East Timor: 1 signatory

   Thus there were 6 signatories for the pro integration side, and 2 signatories for the pro independence side. This 6-2 division does not constitute a fair balance. It should be noted that there were no signatories from Falintil.

   c) This "Agreement about ending hostility and attempting to create peace" was an initiative of the Indonesian Army, which is openly pro integration and violent, and therefore it cannot be trusted as a mechanism which inspires trust in the other side.

d) This "Agreement about ending hostility and attempting to create peace" contained 6 points:
   1) Conflicting parties to end all forms of hostility, intimidation, and acts of terror and violence.
   2) All signatories are obliged to help efforts to create peace and calm, which the residents of East Timor really feel will lead to reconciliation.
   3) All signatories support the desire of the Government, the National Commission for Human Rights, and the Catholic Church in East Timor to bring about reconciliation in East Timor, to enforce respect for, and protection of, human rights and to enforce the law in East Timor.
   4) Conflicting parties are obliged to take steps to guarantee the effective implementation of the agreement by their respective supporters, both armed and unarmed.
   5) To supervise the implementation of this agreement, a commission of peace and stability will be formed, with two people from each of the agreeing parties, and the commission will begin work two days after the signing of the agreement.
   6) The agreement is valid after the signing by the agreeing parties.

e) This "Agreement about ending hostility and attempting to create peace", though an Indonesian Army initiative, contains nothing about the need to lay down arms or hand in weapons.

2. "The Commission on Peace and Stability should become operational without delay". According to the 21 April 1999 agreement, it should already have become operational on 23 April 1999. If it did not become operational on 23 April 1999, and has not yet become operational (as Point 2 above implies), then it suggests that the Indonesian Army, the initiator of the agreement and the Commission, does not want the Commission to become operational. It rather suggests that the 21 April 1999 agreement was window-dressing, and not intended as an instrument of peace and stability. It was fruitless for the Tripartite Agreement (United Nations/Portugal/ Indonesia) to have given it any credibility at all, if this Commission has not produced any results until now, and possibly has not even met.

3. "The Commission, in cooperation with the United Nations, will elaborate a code of conduct". Remember first that the Commission consists of 6 integration members and 2 independence members. (Falintil, not being a signatory to the 21 April 1999 agreement, will not be a Commission member). Secondly note that it is a "code of conduct", which of course is not binding, nor enforceable.

4. The code of conduct will "ensure the laying down of arms, and take the necessary steps to achieve disarmament". Disarmament presumably means the handing in of guns and other tools of violence. This is a high expectation. There are only 12 weeks left to disarm. But equally important is who will disarm. Naturally this is directed at the pro integration terror squads, and also at Falintil. But will the Indonesian Army and the Indonesian Police also lay down their arms? Obviously not, for they are entrusted by the United Nations with maintaining security in the time preceding and during the Consultation. Therefore, if the terror squads and Falintil do lay down their arms, the Indonesian Army (including Kopassus) and the Indonesian Police will be the only people remaining with arms. Falintil – beware. This therefore is an unrealistic expectation and the unenforceable code of conduct will thus be ignored by all parties. All groups will remain armed right up to the Consultation, during the Consultation, and after the Consultation.

Point 3
"Prior to the start of registration, the Secretary-General shall ascertain, based on the objective evaluation of the United Nations mission, that the necessary security situation exists for the peaceful implementation of the consultation process". This is an important tool for those who fear Indonesian use of violence. If it can be demonstrated to the Secretary-General that terrorisation is occurring, and that "the necessary security situation ... for the peaceful implementation of the consultation process" does not exist, then the Secretary-General presumably is in a position (though it does not specifically say so) to delay, cancel or alter the conditions of, the Consultation. The important point to remember is the need to demonstrate this to the Secretary-General "prior to the start of registration". The registration will start on 13 June 1999. That is about 4 weeks from now.

Point 4
"The police will be solely responsible for the maintenance of law and order". Note that the Indonesian Armed Forces (Army, Navy, and Air Force) are not mentioned. In theory, this means that the Indonesian Army (including Kopassus) have no right to play a security role during the time of the United Nations presence. This fact is also stated in the Secretary-General's memorandum.

"The Secretary-General ... will make available a number of civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties and, at the time of the Consultation, to supervise the escort of ballot papers and boxes to and from the polling sites". Presumably this means that the United Nations Police will explain to the Indonesian Police the area of their United Nations responsibility (i.e. the lines of demarcation between their respective areas of responsibilities). It is hard to imagine that the United Nations Police will be in a position to prevent mischief, such as waylaying people, buses, and trucks of villagers from travelling to polling booths. Their powers will most likely be limited only to activities directly associated with the Consultation. Remember that the United Nations Police will probably amount to no more than 100 to 200 personnel. In addition they will not be armed.

Modalities Agreement

The 5 May 1999
tripartite agreement between the United Nations, Portugal & Indonesia

Omitting the unacceptable agreement made between the United Nations, Portugal and Indonesia that "the Indonesian authorities will ensure a secure environment for a free and fair popular consultation process" (*page 13: Security*), this Modalities Agreement is reasonable. However it does contain some real concerns.

Question to be put to voters

1. The questions seem to be adequate as they are. However it is not clear that the second question actually means independence.

2. It is good that the "ballot papers will include symbols to facilitate voting by illiterate persons".

3. There is no mention as to which languages the two questions will be in. There should be four languages (Tetun, Indonesian, Portuguese, English), and this should be included in the Modalities Agreement.

Entitlement to Vote

The three categories of people allowed to vote is close to being acceptable.

A minor concern is that these categories allow Indonesians, born of Indonesian parents in East Timor, and now resident in either Indonesia or East Timor, to vote. An example of such a person is someone born in East Timor between 1976 and 1982 from Indonesian parents. Is this the intent of the United Nations? If not, this should be clarified to United Nations officials before registration begins on 13 June 1999. This loophole needs to be closed.

Schedule of Consultation process

This seems adequate.

It is important that United Nations Police and international observers carefully check that no political campaigning takes place on the two days before the Consultation, the Cooling Off period. Much harmful activity can occur at this late stage.

Information campaign

1. Political information is to be given in 4 languages for 12-13 weeks. This is good, but the teams will need every one of these days to reach all the isolated villages of East Timor. They should start on the advertised day of 10 May 1999, and not delay the start. Many vehicles need to be available.

2. East Timorese people have no faith in the secret voting which they have experienced in Indonesian elections. This lack of faith might be reinforced as a result of the Indonesian general election voting on 7 June 1999. The United Nations officials should take particular pains to explain how the United Nations secret voting is different to the Indonesian secret voting. The most important point to stress, as Jaime Gama did in the press conference in New York on 5 May 1999, is that "the ballot will be reported for the whole country and not district by district, and binds the whole territory regardless of regional differences in voting". This fact is not mentioned in the Agreement, but, if it is

true, should be part of the United Nations information campaign. What people fear is that Indonesian officials will somehow discover the voting results for each polling centre, and thus be able to penalise individuals, or whole villages. This may seem stupid to outsiders, but it is true. The United Nations must accept that such assurances are an important part of trying to ensure "a free and fair popular consultation process".

3. People need to clearly be told that choosing the second question ("Do you reject the proposed special autonomy for East Timor") actually means independence.

Registration

1. It is adequate that 20 days will be allowed for registration to take place.

2. It is good that there will be as many as 200 registration centres in East Timor. This is an average of 15 centres per District.

3. There should far more centres in Indonesia. The five centres mentioned (Jakarta, Yogyakarta, Suryabaya, Denpasar, Ujung Pandang) are insufficient, and would require East Timorese people to travel 100-200 kilometres to a registration centre. The following four towns, where many East Timorese are located, should be added to the list: Bandung, Semarang, Malang and Kupang. Each of these four towns comprises more East Timorese than does Ujung Pandang (in the 5 nominated towns above). Kupang people would have to travel to East Timor, and could experience deliberate obstructions on the road.

4. In order to vote, it will be necessary for Falintil personnel to travel to a registration centre. This could be a dangerous time, for it would necessitate their travelling through territory controlled by the Indonesian Armed Forces, who for 23 years, have been their enemy. Other independence leaders currently in hiding, will similarly have to risk their lives in order to register. One wonders if the United Nations will be able to guarantee unimpeded travels to the registration centres?

Political Campaign (20 July – August 1999)

1. The Agreement says: "Supporters and opponents of the autonomy proposal will campaign ahead of the vote in a peaceful and democratic manner during the period designated for this purpose". This is a 17 day period. It is difficult to imagine how non-peaceful and non-democratic activity can be prevented, for the Indonesian authorities, who support the integration option, are responsible for general security. Complaints can be made, but no action can be taken. According to paragraph 3 of the Security Agreement, it seems that the Secretary-General will ascertain, prior to the start of registration, which is 13 June 1999, "that the necessary security situation exists for the peaceful implementation of the consultation process". The implication is that, if he determines on 13 June 1999 that the security situation is acceptable, and then the consultation proceeds according to plan, nobody subsequently has the power either to stop it or to compel the Indonesian authorities to guarantee that political campaigning be conducted in "a peaceful and democratic manner". By the time of the Political Campaign, 20 July to August 1999, all de facto power has been transferred to the Indonesian authorities.

2. It should be noted that the Code of Conduct, mentioned as part of the political campaign section, is completely unenforceable. It is to be made between "supporters and opponents of the autonomy proposal". Naturally the supporters include Indonesian Army personnel, who at the same time are responsible for security. The conclusion must be drawn that the Code of Conduct is useless and will no value.

Balloting inside and outside East Timor

1. It is very likely that obstacles will be put in the way of suspected independence supporters exercising their vote. This may be noted by international observers and others, but the vote will continue, and notwithstanding any complaints, the United Nations will be obliged to count only those votes recorded on the day, and announce the result accordingly. There is currently no way of preventing the Indonesian authorities from obstructing would-be voters.

2. Particular attention should be paid to the number of people registering, and the number of people voting. If there is a vast discrepancy between the two figures, it would be fair to suspect that people had been prevented from voting.

Observers

As many observers as possible should go to East Timor, both official observers and unofficial observers. Careful documentation is important.

Security

This section says: "The Indonesian authorities will ensure a secure environment for a free and fair consultation process and will be responsible for the security of United Nations personnel". To counter the power stranglehold which this clause gives to the Indonesian government and military, the United Nations needs to assume to itself the power to delay, abort, or declare void the Consultation. If it does not assume this power, then the Consultation will not be a true indication of the will of the East Timorese people.

Unpublished memorandum by the Secretary-General elaborating on his expectations concerning security for the consultation.

Indonesia has agreed to this.

This document starts with these words: "The Secretary-General wishes to convey to the two parties the main elements that will need to be in place in order to enable him to determine that the necessary security conditions exist for the start of the operational phases of the consultation process". The "operational phases of the consultation process" presumably start on 13 June 1999, at the beginning of the registration process. This means that the decision about whether the necessary conditions exist will be taken in the first week of June 1999.

There are 8 conditions for the consultation:

1. Bringing of armed civilian groups under strict control and discipline. (It does not mention disarming).
2. Ban on rallies by armed groups
3. Arrest and prosecution of those who incite or threaten to use violence
4. Assumption by the Indonesian Police of sole responsibility for the maintenance of law and order (This is a valuable condition).
5. Redeployment of Indonesian military forces. (This is also important. However it is not clear what this means. Where must they be redeployed to? If it means non 'internal security' duties, that is good, however it should be spelt out).
6. Free access to mass media of both pro and anti groups.
7. Full participation of the United Nations in the Commission on Peace and Stability. (It is not clear who are the members of this group, or whether the pro independence groups are actually represented. It is also not clear if this Commission actually exists, except on paper. Has it ever met since its supposed foundation on 21 April 1999? The United Nations is expecting too much from this Commission. The United Nations should ensure that independence supporters are adequately represented on the Commission).
8. Immediate institution of a process of laying down of arms by all armed groups, to be completed well in advance of the holding of the ballot. This is the most important of the 8 conditions. Though it is extremely unlikely to be fully heeded, it is important that it is said, and made a condition for the consultation. Some points need to be made:
   a) The words "well in advance" are inadequate. The Secretary-General has said (in the Security Agreement) that 13 June 1999 (start of registration process) is the date by which all conditions must be met. Therefore arms should be laid down by 13 June 1999.
   b) Laying down of arms does not mean disarming. However it implies that weapons should not be fired, carried, or used as a means of threatening).

These are the conditions for the consultation which must be met by 13 June 1999. However, if the Secretary-General determines that the conditions have been met by 13 June 1999, but later on are broken (e.g. by the use of arms), has the Secretary-General got the power to cancel, postpone, or change the conditions of the consultation?

A Constitutional Framework for a Special Autonomy for East Timor

This is the proposal, developed by Indonesia, for a Special Autonomy for East Timor, and constitutes an annex to the Tripartite Agreement signed by the United Nations, Portugal and Indonesia on 5 May 1999.

Of all the large and medium countries in the world, Indonesia possibly has the world's most centralised government. This centralisation has been in force since August 1950. Seen from this context, Indonesia has made considerable concessions towards the new Special Autonomous Region of East Timor (SARET). For instance East Timor will have its own police force, enact its own internal laws, and control its own judiciary. The governing elite in Dili, and the Governor in particular, will clearly exercise considerable power.

However there are three general reasons why this Constitutional Framework, on the basis of the provisions contained in it, must be rejected.

1) The Central Government retains sufficient powers, particularly under the sections on Defence, Economic and Fiscal Policies, and Continuity of Indonesian Laws, to control the direction and internal management of East Timor.

2) Within the framework of those powers devolved to the Government of SARET, the Central Government will be able to control East Timor, particularly through the exercise of appointments of key personnel.

3) There is no provision which will prevent the Central Government, at some future date, reducing the powers of the Special Autonomous Region of East Timor (SARET). This could be done by statute, or by administrative decrees. No outside power could interfere in the sovereign right of Indonesia to make such internal adjustments.

Because of time constraints, this analysis will not touch upon all the document's 59 Articles, divided into ten Parts. It will consider Part One, Chapter 1 only, which contains the following sections:

Foreign Relations
The Central Government will be responsible for Foreign Affairs.

Defence
The Central Government will have responsibility for the external defence of SARET, and maintain Indonesian armed forces in East Timor. The document says: "In the event of external armed attack, or the imminent threat of such an attack, the Indonesian armed forces (TNI) may be deployed outside their bases or normal areas of operation in the exercise of its (sic) duty to defend the sovereignty and territorial integrity of the unitary state of the Republic of Indonesia". Some comments are:

1) This is the only occasion on which the Indonesian armed forces are mentioned in the whole of the document's 59 Articles.

2) If the current resistance fighters in Falintil continue to oppose the Central Government militarily, will this be interpreted as something which requires the mobilisation of the Indonesian armed forces, because it constitutes an attack on "the sovereignty and territorial integrity of the unitary state of the Republic of Indonesia", or as a responsibility of the East Timor police force? In other words, there is insufficient explanation in the document to assume that the Indonesian armed forces will only be used against an external aggressor, and not against those whom the Central Government regards as a threat to sovereignty.

3) The document states that the East Timor police will be responsible for enforcement of all laws and regulations in East Timor, but does not make clear who will be responsible for infringements of Indonesian law. There is no mention throughout the document of the social-political role (the dual function) of the Indonesian armed forces, however its absence does not mean that this power will not be exercised. In the case of infringements of Indonesian law, there is a possibility that the Indonesian armed forces and intelligence would be operative. It is assumed that East Timorese will still be obliged to subscribe to Indonesia's state creed, Pancasila, and the government's interpretation of it. Maintenance of loyalty to Pancasila has always been a function of the social-political branch of the Indonesian armed forces.

4) There is no explanation as to the extent of the Indonesian armed forces "bases and normal areas of operation" (see above) in East Timor. These may not necessarily be restricted to a few key locations, but in fact be numerous and widespread.

5) It must be assumed that the Indonesian armed forces will be present, in significant numbers, on the border between East Timor and West Timor, part of NTT province. There they will ideally placed to influence all activities in East Timor. Military intelligence agencies can use their usual tactics in West Timor, outside the spotlight which may be directed on East Timor.

Economic and Fiscal Policies

The Central Government will control national taxation and development assistance, and in this way can determine directions and priorities inside East Timor. It will also control those natural resources in East Timor which are "considered to be strategic and vital under national laws". It is fair to assume that this will include the Timor Gap oil and gas. All foreign assistance to East Timor must be channeled through the Central Government.

Continuity of Indonesian Laws

Current Indonesian laws will remain in force inside East Timor, and will remain within the competence of the Central Government. This naturally will include the interpretation of those laws by the Indonesian Government and Indonesian judges, and also carry with it the modus operandi of the Indonesian judicial system.

Recommendations for Action

to save the August 1999 East Timor Consultation.

This publication contains an analysis by the East Timor International Support Center (ETISC) of the contents of the five documents which make up the 5 May 1999 Agreement between the United Nations, Portugal and Indonesia. Arising from these analyses are various courses of action which East Timor independence supporters may consider following. These are stated below.

The United Nations Secretary-General is to ascertain "prior to the start of registration", on 13 June 1999, "that the necessary security situation exists for the peaceful implementation of the consultation process". He will then make the decision to proceed with the consultation or not.

It is crucial that the Consultation does not proceed under unsatisfactory conditions, whereby the population may be intimidated to vote in favour of Indonesia, when in fact their aspirations are for independence. In the event of the Consultation proceeding regardless, it will be essential that a pro-Indonesia outcome is widely denounced internationally, so as to annul any attempts of giving it legitimacy. In such a case, a proper referendum on self-determination must be called for.

Independence supporters should without delay consider:

1) Actively campaigning if the necessary security situation does not exist for the peaceful implementation of the consultation process. Based on current realities, the conditions are not likely to significantly improve by 13 June 1999, the critical date.

2) Extensively reporting and publicly exposing:

   a) All violence and intimidation.

   b) Use and carrying of arms (in contradiction to the Secretary-General's demand that arms must be laid down).

   c) Lack of neutrality of the Indonesian Armed Forces and the Indonesian Police.

   d) Use of the Indonesian military forces for the maintenance of law and order, instead of the Indonesian Police, who the Secretary-General said must be solely responsible.

   e) All infringements of the Code of Conduct (if it is developed as planned).

   f) Denial of free access to the mass media for both pro and anti autonomy supporters (e.g. local TVRI in Dili, Suara Timor Timur, RRI).

   g) Prevention of people from registering to vote (13 June – 17 July 1999)

   h) Attempts at fraudulent registration - i.e. people not entitled to vote.

   i) Political campaigning during the cooling off period.

j) Prevention of people from voting.

k) The possible large discrepancy between the number of people who register, and the number of people who vote. This might suggest that people had been prevented from voting.

3) Encouraging as many unofficial observers as possible to be in East Timor between now and August 1999. These observers could perform a variety of functions, from explaining to the people the purpose and methodology of the Consultation, to monitoring the polls.

4) Bringing to the notice of the United Nations:

a) The need for the United Nations to assume power to delay, cancel or alter the conditions of the consultation, IF there are infringements of the Secretary-General's consultation guidelines, AFTER he has decided to proceed with the consultation's operations. (Note: The Secretary-General's consultation guidelines are contained in his 5 May 1999 memo, which was accepted by Indonesia).

b) The need for the United Nations political information teams to explain to East Timorese people that United Nations secret voting is different to the Indonesian secret voting, and that the ballot will be reported for the whole country and not district by district, and binds the whole territory regardless of regional differences in voting. This is necessary to overcome people's fear that Indonesian officials will somehow discover the voting results for each polling centre, and thus be able to punish individuals, or whole villages.

c) The need for the United Nations political information teams to visit every village in East Timor. There are 442.

d) The need to close the loophole which allows Indonesians, born in East Timor of two Indonesian parents, to vote.

e) The need for the United Nations to establish registration and voting centres in four additional Indonesian towns: Bandung, Semarang, Malang and Kupang.

f) The inadequacy of the Commission of Peace and Stability as a vehicle for developing a Code of Conduct, unless independence and integration supporters are <u>equally</u> represented on the Commission, and the United Nations itself fully participates.

5) Bringing to the notice of the United Nations the following possible serious occurrences which might result from the announcement of the result, in the event that the announcement is pro-independence and anti-autonomy:

a) Attempts by the new Indonesian government to constitutionally prevent the handover of East Timor. For instance, the new Indonesian Parliament voted in on 7 June 1999, may declare, once they meet as part of the MPR session from 28 October 1999 to 9 November 1999, that the East Timor decision for independence is not valid, because it was taken under the authority of a previous Indonesian government which is no longer in power.

b) Attempts by the Indonesian Armed Forces to prevent the handover of East Timor by various obstructive means, which will result in great loss of lives.

c) Attempts by the Indonesian authorities to prevent an adequate United Nations presence in East Timor, for the sake of implementing the independence choice of the people.

d) The destruction of Indonesian-built government buildings and facilities in East Timor.

6) Continuing international campaigns to remind the Indonesian government to the costs to the country of remaining in East Timor against the will of the population, and of not honouring the 5 May 1999 agreements. President Habibie seems to have clearly grasped this, but many other sectors, particularly the Military, have not done so fully as yet.

The situation in East Timor is extremely serious, and there exists a great potential for the Consultation, and indeed all of the 5 May 1999 agreements, to be rendered meaningless, and even worse, to be misused to legitimise Indonesia's unlawful occupation of East Timor. The potential for civil conflict in the territory, instigated by the Indonesian military attempting to subvert the process, is enormous. We have so far witnessed the pre agreement actions, and are now witnessing their response during the beginning phase of the Consultation. Violence instigated during coming phases could well be much more intense, especially if the outcome is negative to Indonesia. The East Timor lobby has few resources other than the great power of the moral justice of its cause, and international public opinion supporting it on that basis.

What will be the result of a pro-integration vote on August 1999?

If Indonesia wins the forthcoming Consultation, then there will be many repercussions, some of which are likely, some speculative. Here are some possible outcomes.

Affecting pro-independence leaders and people

1. Xanana Gusmão may be released from house detention in Jakarta, and allowed to return to East Timor as an ordinary citizen, on condition that he reports to the authorities twice weekly, and cannot leave Indonesia to go overseas. His life may be in danger.

2. José Ramos-Horta will be unable to return to East Timor. He will be derided internationally by Indonesia.

3. Bishop Belo will continue as the Bishop of Dili, but he and Bishop Basilio will be placed by the Pope under the authority of the Indonesian Catholic Bishops Conference, a nervous group which lacks courage because of the fear that the 3% Indonesian Catholics will be discriminated against by the majority Indonesian Muslims. Bishop Belo will thus be muzzled.

4. Other pro-independence leaders may find their lives in danger, especially if they have been outspoken. Those that are temporarily studying overseas, or have long been in the diaspora, may find it impossible to return. In general it will be difficult for these leaders to find employment either in East Timor or Indonesia.

Affecting Falintil

They will be hunted mercilessly by huge Indonesian forces, confident in the knowledge that ordinary East Timorese farmers will be scared to help the guerrillas in the mountains, as they did before the Consultation. Falintil will no longer be resisters, but called traitors and rebels.

Affecting East Timor as a political entity

East Timor will have no second chance to determine its own destiny. It will no longer have the political leverage it has had since 1975, as a victim of invasion. It will officially become Indonesia's 27th province. Its political destiny will be dependent upon Indonesia's political destiny. It will lose its distinctiveness.

The world will be happy with the result. The United Nations wants to be rid of the problem, therefore will regard it as a closed issue. The United States and Europe will also accept the result. Some individual states may make noises, but take no action. Portugal can take no action, because they have been party to the agreement establishing the Consultation. Australia will be delighted that East Timor is not independent, and therefore will not have to re-negotiate the Timor Gap Treaty, nor supply aid to East Timor, except in a small-time way, as at present. Nobody will care, in the way that nobody has cared about West Papua for 40 years, since it was tricked into integration with Indonesia in 1969.

Affecting East Timor's relationships with outsiders

It is possible that East Timor will be unofficially closed. This will mean that it will be more difficult than at present for foreign aid agencies to work in East Timor, for journalists and suspicious characters to gain entry, or for probing foreign parliamentarians to make visits.

It will become more difficult for East Timorese to gain scholarships overseas, or attend conferences. Police will not give "Good behaviour declarations" which are necessary for passports. Overseas travel bans may be imposed.

Affecting East Timor's development

1. Gone forever will be East Timor's chance to have access to the oil and gas in its territorial waters. The profits will continue to go to Jakarta, and not to Dili.

2. Indonesia will continue to develop East Timor, according to Indonesia's developmental principles. Some of these are: a) top-down decision making, with no regard for local requests or priorities, b) emphasis on material infrastructure, with little attention to people and services, c) extremely low standards of performance, e.g. in education and health. Teachers will not bother to turn up to teach, community health centres will close their doors when medicines are low, etc., d) manipulation of people and institutions so that they fit the Indonesian mould.

3. Poverty, already the norm, will become the lot of greater numbers of people, as Indonesia monopolises the wealth of the territory, and foreign aid is limited.

4. Corruption, part of Indonesia's cultural lifestyle, will become endemic.

Affecting Human Rights

Indonesia may take liberties in the secure knowledge that the East Timorese have voted for the Indonesian way of life and Indonesian leadership. Many West Papuans disappeared in the aftermath of Indonesia's assumption of power in West Papua in 1963.

What will happen if the East Timorese vote for independence in August 1999?

The revenge of the defeated

When the Japanese were defeated in war in 1945, and had to give up their occupied territories, they are said to have collected together all the equipment, tools, and hardware which they had in East Timor, conscripted some East Timorese labourers to dig a simply enormous hole in the ground, then dumped everything in it, burned them, and covered over the remains. Finally they shot the labourers, so that no knowledge remained of the fact or the location.

Recently a rumour has been circulating in Dili, which suggests that if the Indonesian Armed Forces lost control of East Timor, then they would burn and destroy all the infrastructure which they had developed since they occupied the territory in 1975. The rumour suggested that they would trash Dili, to show how much Indonesia had contributed to the development of East Timor. Not to mention a great show of anger!

It would be unwise not to heed history and rumours concerning this kind of "revenge of the defeated".

What will happen if the East Timorese vote for independence in August 1999?

ABRI will still have 25,000 personnel in East Timor, the militias will still have arms and money, the Indonesian-led government will still be in place. How will the United Nations, who are sponsoring this decision-making process (and presumably its aftermath), ensure a peaceful withdrawal of ABRI troops, and disarming of the militias, without any United Nations military presence? How will they phase out the Indonesia-led government and replace it with another government, without their having planned a transitional government prior to the formation of an East Timor government?

It is very likely that the United Nations will ask the Indonesian Army and Police to be the caretaker army and police force, to look after security for 6-12 months, and the Indonesian-led government to be the caretaker government, to look after the administration for 6-12 months. This will be a time of great danger; property and people will be at great risk because of the "revenge of the defeated".

Because the United Nations has decided not to mobilise a United Nations Peacekeeping Force, the next best option is to have plans for a United Nations Army and Police Force to be assembled in Darwin and Singapore on the day that the vote result is announced. The United Nations also needs to have plans for a transitional government. Is this too much to ask? If so, the consequences are predictable.

Timetable for the Consultation in East Timor

May – August 1999

Early May 1999

Advance United Nations Team

An advance UN team go to Dili soon after the 5 May 1999 signing of the UN/Portugal/Indonesia agreement. Presumably they will consist of some UN Police and some UN Election officials. Others will arrive in June 1999. (The total numbers are said to be 100 UN Police and 600 UN election officials).

10 May - August 1999

United Nations

UN Public information programme

Mid – late May 1999

Torror Squads

The terror squads are likely to increase their activity in May 1999 before increased numbers of UN personnel arrive in June 1999.

May – June 1999

Indonesian military and government

Indonesian military and government preparations will take place for the June 7 1999 Indonesian general election. It is likely that the military will try to prevent the presence of campaigners from parties other than Golkar, or from those who are thought to support East Timor independence.

June 1999

Early June 1999

More United Nations personnel will arrive.

Probably no more than 50 - 100 at this stage.

Will they witness a typical Indonesian General Election on 7 June 1999 (if it occurs)?

7 June 1999

Indonesian General Election.

East Timor people will vote for their representatives in:

a) the Parliament in Jakarta (4 members)
b) the Provincial Assembly in Dili
c) the 13 District Assemblies in East Timor (e.g. Los Palos, Liquiça etc)

13 June- 23 July 1999

United Nations Registration of voters for Consultation

20 June – 12 July 1999

Results of General Election announced.

June – November 1999

Habibie's position weakens

During the 4 month period from June till November 1999, when the next President is chosen, President Habibie, assuming he looks unlikely to become the next President, will be in an extremely weak position. There will be no strong leadership in the country. The Indonesian Army will very likely flex its muscles in this period, a period which includes the East Timor Consultation.

July 1999

20 July - August 1999

Political campaign

The political campaigning may take the following forms:

a) terrorisation of communities

b) personal death threats

c) preventing independence supporters from registering:

d) bribes (personal)

e) bribes (community, e.g. promises to build a new village school)

f) compulsory community meetings, with pro-integration speakers

g) substitution of non-East Timorese personnel for East Timorese personnel, so that the non-East Timor personnel (with forged identity cards) can vote in the Consultation.

h) ensuring that pro-independence East Timorese are taken into, or detained in, West Timor, on the day of the Consultation.

Late July 1999

United Nations Election Monitors Arrive

400 United Nations election monitors will arrive, to staff the polling booths.

August 1999

Cooling off period

East Timor Consultation

Possibility of independence supporters being prevented from voting.

Why Falintil's situation is extremely dangerous

The Indonesian Army invaded East Timor in December 1975, upon which huge numbers of East Timorese people, through fear and a desire to defend their territory, fled to the mountains, where they formed themselves into groups which later were united into Falintil. These fighters are still in the hills, resisting the invaders, as they have done for the past 23 years. Under international law, they are a legitimate force of self defence against an illegal foreign aggressor.

In the last few months the invading Indonesian army has armed and trained various East Timorese civilians, in order to terrorise the population into accepting integration into Indonesia at a United Nations conducted consultation. These recently recruited civilians are now on the side of the invaders, helping them to conquer their own people.

Recently the United Nations, Indonesia and others have tried to equate Falintil with the new Indonesian-recruited terror groups as a tactic to force Falintil to disarm. The argument is that these 6 month-old groups will willingly disarm, if the 23 year old real defenders of East Timor disarm at the same time. The same people are trying to portray the Indonesian Army as the neutral umpire. This is a clear distortion. Falintil cannot be equated with the terror groups. The Indonesian army cannot be regarded as neutral.

The facts are these:

a) The Indonesian Army is an invading army.
b) Falintil is the defending army, and legitimate under international law.
c) The new terror squads are a recent creation of the invaders and have no popular support.

Falintil, the defenders of their territory, are in an extremely dangerous situation and urgently need recognition and tangible support for their continuing resistance to the invader, and the puppets. Why is Falintil's situation so desperate now?

1. Because many young people and ordinary villagers have fled to the mountains as a result of the terrorisation by the Kopassus terror squads. There are probably thousands of people in the mountains, trying to live off the land, or obtain food from nearby villages. Their food supplies and health will be precarious.

2. Because while the terror squads are terrorising ordinary people, the Indonesian Army, as part of Operation Cleansweep, is trying to encircle and wipe out all remaining Falintil units. The Indonesian Army have brought in larger numbers than usual, for this purpose.

3. Because Falintil, and the refugees in the hills with them, need to register for the Consultation vote and then need to vote in August 1999. To do this they need to come out of hiding twice and attend one of the 200 registration/voting centres. They need bribe money to make this possible.

4. Because, if the people of East Timor vote for integration in August 1999 (through fear for their lives), then an all out extermination campaign will be unleashed against all Falintil and their followers and sympathisers. The horror of the 1966 "Communist" killings in Indonesia is not a forgotten example.

How and why Indonesia could win the Consultation vote

The Indonesian Army have long experience in manipulation of their own people. An example which is relevant to the forthcoming East Timor Consultation is the way Indonesia manipulated the **West Papuans, or Irian Jayans** as Indonesia calls them, into "voting" for integration with Indonesia. Till 1962 West New Guinea (West Papua/Irian Jaya) was a Dutch responsibility. The United States pressured the Netherlands to hand over the territory to Indonesia. A deal was made in August 1962, by the terms of which the Dutch were to leave West New Guinea and transfer sovereignty to a United Nations Temporary Executive Authority (UNTEA), for a period of 6 years, until a national vote was conducted to determine Papuan preference for independence, or integration with Indonesia. Almost immediately however, in 1963, Indonesia took over the administration from UNTEA, and the oppression of the West Papuan people intensified. A sham referendum was held on 2 August 1969 in which 1025 handpicked electors were coerced into unanimously choosing to "remain with Indonesia". The United Nations not only allowed the six year (1963 - 1969) Indonesia preparation period to proceed unmonitored, but also, in 1969, went as far as sanctioning this "vote" by the West Papuan electors. The major players in this piece of tragic theatre were the United Nations and the Indonesian Army. The world, including the United States, accepted the result with hardly a complaint.

The Indonesian Army will use three means for attaining their goal of a vote-for-integration

- *Terrorisation*
- *Bribery*
- *Deceit*

Terrorisation

Terrorisation has already begun. They have started with the 8 western Districts of East Timor, where most of the population live. These are Covalima, Ainaro, Dili, Aileu, Liquiça, Ermera, Bobonaro and Ambeno (the enclave inside West Timor, Indonesia). Their next target was Dili which they entered in a semi-military action on 17 April 1999, and made some killings and ransacked the houses of leading pro-independence leaders, who fled into hiding, where they still are. Next they intend to turn their attention to Baucau and the 5 districts of eastern East Timor – Manatuto, Manufahi, Baucau, Viqueque and Lautem. Terrorisation is successful because it does not rely upon "winning the hearts and minds" of the people. The tactic simply says that a vote against integration means death. The violence of the recent massacres, in which people have been hacked to death – a slow and painful death – with machetes and axes and sharpened bamboos, is enough evidence for cowed and illiterate farming communities that the Indonesian Army and its terror squads mean what they say. It is not worth risking a vote for independence in return for a painful death for oneself and one's family.

Bribery

Bribery is a long established Indonesian Army tradition. Already there are stories of large sums of money being distributed to District Commanders (army) and District Chiefs (government) in East Timor. It would be strange if this was not true. For a Village Chief lower down the hierarchy, it is well worth arranging some public meetings, withholding some favours to villagers, and threatening some recalcitrant residents, in return for a buffalo and two extra rooms on the house. For the Indonesian Army, which is rich enough to maintain a 25,000 strong army of occupation in East Timor at the very height of the Indonesian economic crisis, what does the expenditure of a few extra thousand dollars matter, if the result is a permanent and favourable conclusion to the East Timor problem?

Deceit

Deceit will most likely take the form of manipulating the voters. This can happen in two ways. First it is possible to prevent people from registering and voting, possibly by threats, possibly by waylaying them. Secondly, and more likely, it is possible to encourage non-East Timorese to pose as East Timorese. The most represented non-East Timorese people in East Timor are the West Timorese, who in looks, dress, accent and religion, are very similar to East Timorese. In return for a small packet of rupiahs, many West Timorese would happily risk posing as an East Timorese, the more so if the East Timorese in question was unable to vote, and the West Timorese had the East Timorese person's identity card.

Secret voting is no protection against these machinations. Voting throughout Indonesia and East Timor has always, in theory, been secret. People go into booths and pierce a hole through the voting paper, against the political party they support. However, there are many well tried ways of nullifying the vote, or of finding out how a person voted, so that punitive action can be taken after the election. One way is for officials to pierce another hole in the paper, so that two holes are visible and thus the voting paper is made void. Another way is to conduct a witch-hunt in each electorate for those who voted in the "wrong" way. Six pro-independence voting papers in a predominantly pro-integration village of 2000 people would be the cause for an exhaustive witch-hunt. Indonesians and East Timorese already know this. Moreover they know that within a few weeks of the election all the United Nations election-monitors will have returned home, and that then the Indonesian Army and its terror squads will be in a position to take revenge.

Why the pro-integration terror squads in East Timor will continue to carry arms until the Consultation in August 1999

The 5 May 1999 signing of the tripartite (United Nations/Portugal/Indonesia) agreement about the East Timor Consultation is the last opportunity to include the disarmament of the militias as a pre-condition for the Consultation. If it is not included, terrorisation will continue until August 1999. The reasons for this are below.

1. The pro-integration terror squads have not been disarmed, in spite of two clear occasions when pressure might have been brought to bear on them to do so. First was the Wiranto Peace Agreement of 21 April 1999. Wiranto failed to get them to lay down their arms. The signatories, who included pro-integration commander João Tavares, only agreed to "stop all forms of hostility, intimidation, and acts of terror and violence". Second was the Howard-Habibie meeting in Bali on 27 April 1999. Habibie failed to give any assurances about militia disarmament, in spite of Australia's desire that this should occur. These were two golden opportunities which came in the wake of world-publicised and brutal militia massacres. These opportunities are now lost. Wiranto and Habibie have failed to disarm. There is now no likelihood that the terror squads will disarm before August 1999. It is reasonable to assume that they will continue with the terrorisation.

2. The terror squads leaders consist of people who have benefitted from the Indonesian occupation, and are therefore anxious that their positions of privilege are maintained. They know that if they lose the vote in August 1999, they will lose everything, for themselves and their families. They are therefore desperate men, who will adopt radical and reckless means to achieve their ends.

3. President Habibie is no longer the Supreme Commander of the Armed Forces as was President Soeharto. He does not have the leverage which Soeharto had over the army. He will thus be unable, in spite of the fact that he is President, to control the army commanders and ex-army commanders who are paying and arming the terror squads in East Timor. His position is further weakened by the fact that he was not elected by the people, and is regarded as a caretaker President. His position in relation to the Armed Forces is very weak.

4. Wiranto is caught in a trap. He has the power to disarm the terror squads, but he won't, because he has to maintain his network of good relationships with the Jakarta elite, serving army commanders (below him), and also ex army commanders, who are extremely powerful in Jakarta political life. Many members of these groups have a vested emotional or financial interest in East Timor's remaining part of Indonesia, and Wiranto is not prepared to challenge them by disarming the very people they are paying in order to keep East Timor in the Indonesia "family". Wiranto therefore has no choice. He will not disarm them.

For these reasons the terror squads will maintain their terrorisation until the Consultation in August 1999.

Obstacles in the Path of Independence

Military terror and manipulation

The Indonesian Army (now called TNI) will be responsible for security in East Timor during the vote. Far from being a neutral force, they are the main protagonists who are determined to see East Timor remain as part of the Republic of Indonesia, through the use of strong arm and terror tactics if necessary. For example see the article in the Jakarta Post where General Wiranto and Minister Junus Yosfiah report on how the programme to destroy the East Timor independence movement is developing.

They were supposed to disband the militia terror squads, but this has certainly not happened. The militias still operate openly throughout the territory; only in Dili, according to reports (where foreign journalists are located), are their operations curtailed. This is in spite of an agreement signed in Dili with General Wiranto, and the meeting in Bali between Habibie and John Howard. This terror campaign is clearly TNI policy and has not being stopped by General Wiranto or President Habibie who, as Supreme Commander of the Armed Forces, has the power to do so.

To leave TNI (formerly ABRI) in charge of the vote in East Timor is equivalent to leaving Slobadan Milosevic's Serbian Army in charge of security for a United Nations settlement in Kosovo, something the international community would never countenance.

It is almost inevitable that the prelude to the vote as well as the voting process will be subject to severe coercion and manipulation.

There are about 20,000 Indonesian army in East Timor and they will not be withdrawn. In addition there are at least 5,000 militias (possibly many more) whom they have set up, and trained. They are able to operate with impunity and are, in effect, part of the Indonesian armed forces.

About 600 unarmed United Nations monitors will be attempting to monitor the voting of people from the 442 villages of East Timor as well as the regional towns and Dili, which will be crawling with Indonesian army and militias. The monitors will not speak Indonesian or Tetun, the local language. They are likely to be comprehensively outmaneuvered as well as totally outnumbered by the Indonesian armed forces and their militias. Intimidation need not happen only at the registration and voting centres. It will also happen in the homes and villages.

Unclear wording on the ballot paper

The vote has been set up to be ambiguous. The people of East Timor will have to vote on whether they want to 'accept Indonesia's autonomy package' or not. This evades the main question which is: Do they want independence or not ? This obfuscation has been done as a face saving measure for Indonesia, but it opens the door for later manipulation of the result by the Indonesian army or government.

Possibility of rejection of Consultation vote by Indonesia

Habibie has stated that the decision of the East Timorese people, if it is to reject the autonomy offer, will be referred to the People's Consultative Council (MPR), which, meeting between 28 October 1999 and 9 November 1999, will then formally release East Timor from the Republic of Indonesia. However the new MPR may try to renege on Habibie's agreement. It has been stated at the United Nations, though not included in the Agreement, that the consultation result is 'binding on states not governments', meaning that the agreement under the United Nations would be binding on a future government of Indonesia. However it is not clear if a future government of Indonesia might try to slide out of these commitments.

Conclusion

Finally, the possibility of successful transfer of sovereignty still depends on the Indonesian Armed forces letting East Timor go, and on the international community having the determination to insist that agreements made at the United Nations are honoured.

A nation within a nation: an army within an army

Indonesia has unleashed an uncontrollable force

The signs are that Indonesia is in a state of lawlessness and anarchy.

The main signs are:

1) The President cannot control the nation's Army

2) The Commander of the Armed forces cannot control his troops

3) The Commander of the Armed Forces cannot prevent the formation of private armies.

That lawlessness prevails at the highest levels is evident from the fact that Indonesian army is promoting violence. The defenders of the people are killing the people. Indonesian law says: Possession of unauthorised weapons is a very serious office and can attract severe penalties. In many parts of Indonesia, police carry out raids to seize arms and even sharp knives. Why then are not the leaders of the terror squads – João Tavares, Eurico Guterres, Manuel Sousa and many others - not in gaol? Lawlessness and anarchy rules, OK?

What is preventing the President from having the power of the president? What is stopping the Commander of the Armed Forces from exercising the power of his position?

There are two general answers to these questions:

1) The privileged and politically elite position which the Indonesian armed forces have assumed for themselves since their formation in 1945 have led to an uncontrollable arrogance and sense of invulnerability. Nobody, inside or outside the country, can control them. Indonesia has become a military state.

2) Key figures are indirectly controlling the President and the Commander of the Armed Forces. They mainly do this by bribery. These people are ex-President Soeharto, ex-General Prabowo and ex-General Moerdani, all of whom have an interest in East Timor, all of whom have been humiliated in the recent past.

If Indonesia is ever to return to the fold of civilised and law-abiding states, it must:

a) abolish the socio-political role of the Armed Forces

b) neutralise, once and for all, Soeharto, Prabowo and Moerdani.

If East Timor votes for independence in August 1999, its independence will be meaningless and void, while the above forces are still in place.

Wiranto's Peace Agreement – 21 April 1999

1. This was a public relations exercise, designed to:
   a) curb the negative effects on world public opinion of the militia killings
   b) create a better atmosphere for the New York United Nations-Portugal-Indonesia meeting on 21 – 23 April 1999
   c) take the sting out of the potential criticisms which Howard might make to Habibie in Bali on 27 April 1999.

2. A real Peace Agreement means promises to lay down arms. This was clearly not in the Agreement. It was therefore not an agreement which was intended to lead to peace. Everyone remains armed.

3. What was the text of the Peace Agreement? It has not been made public. Is this because it contained no clauses which were binding on all parties? Moreover, who composed the text for the Agreement?

4. The signatories were:

   CNRT: Xanana Gusmão, Leandro Isaac
   Pro-integrationists:
   a) Domingos Soares (Chairman of Unity, Democracy and Justice).
   This is <u>not</u> the Diocesan Justice and Peace Commission. Note the tricky title.
   b) João Tavares, Pro-Integration War Commander
   c) Indonesian Government: Governor Abilio, Armindo Mariano
   d) ABRI: Suratman (Army), Silaen (Police)

5. Those who were to sign as witnesses were Wiranto, Bishop Belo, Bishop Basilio. The latter two refused to sign because they had not obtained approval from the Vatican. Consequently only Wiranto signed as a witness.

6. An analysis of the signatories shows the following numbers:
   a) pro-Indonesia - 6 signatories and 1 witness
   b) pro-independence - 2 signatories,
   (1 of whom is in house-goal in Jakarta) and 0 witnesses
   Hardly an equal balance!

7. Notable for their absence or refusal to participate were:
   a) Falintil, who have been fighting a 23 year old pro-independence war
   b) Leaders of the semi-independent terror squads, Eurico Guterres, Cancio Lopes and Manuel Sousa (Liquiça Massacre leader)
   c) David Ximenes (CNRT leader, still in hiding after his house was ransacked on 17 April 1999. He refused to sign).
   d) Bishops Belo and Basilio, who refused to sign as witnesses.

8. All the gains in this exercise were obtained by the pro-Indonesia side. The pro-independence side clearly obtained no gains. They made no attempt to negotiate, as a way of gaining concessions from the pro-Indonesia side. They signed without conditions. They did not ask for an end to the Indonesian army's arming and support for the militias, for a return home of the refugees, for money to keep the refugees alive, for an end to <u>forced</u> public meetings to denounce Bishop Belo, Xanana, and the pro-Independence people, for an end to the systematic burning of villages, for Colonel Suratman to be replaced etc. etc. etc. Nor, of course, did the pro-Indonesian side promise to do any of these things! Wiranto was the clear winner.

General Election in East Timor on June 7 1999

IF it takes place in East Timor

On Monday 7 June 1999 East Timor people will vote for their representatives in:

a) the Parliament in Jakarta (4 members)

b) the Provincial Assembly in Dili

c) the 13 District Assemblies in East Timor (e.g. Los Palos, Liquiça etc)

This could be another occasion for terrorisation by the terror squads, with the aim of electing strong pro-integration provincial and district assemblies, who will be able to:

a) influence the outcome of the August 1999 vote.

b) initiate strong punitive actions against pro-independence voters, IF pro-integration wins

c) put up resistance and create confusion, IF pro-independence wins. There will be no other government!!

1. Are the United Nations Police, whose advance party will be in East Timor on 7 June 1999, aware of this election?

2. Are the prospective Australian Consulate staff of 7 persons, who will be in place in Dili by the end of May 1999, aware of this election?

Independence supporters from outside,

travellers and journalists

should monitor this election very carefully.

Notes

ETISC Occasional Paper Nº 1 ISBN: 0 9577329 0 2
Indonesian Orchestrated Savagery in East Timor
Recommendations for Actions to Save the August 1999 East Timor Consultation.

This paper critically examines the various components of the 5 May 1999 agreements, pointing out the most striking dangers to the satisfactory conduct of the Consultation, and provides recommendations for essential action to prevent the event from being rendered meaningless by the manipulations of the Indonesian military.

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